

MELVIN LEROY TYLER,)	
)	
Petitioner,)	
)	
v.)	No. 4:95CV314 CDP
)	
PAUL DELO,)	
)	
Respondent.)	

This matter is before me on petitioner's most recent motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Upon review of the motion and the case file, I will deny the motion with prejudice. Additionally, I will instruct the Clerk not to accept any further filings from petitioner in this case.

After extensive litigation, I denied petitioner's habeas corpus petition on the merits in May 1997. Since then, petitioner has filed several motions for relief from judgment and motions for certificate of appealability, each of which has been legally frivolous. After reviewing the instant motion for relief from judgment, I find it to be legally frivolous as well; it simply rehashes arguments I rejected when I denied the petition for writ of habeas corpus. Consequently, I will deny the motion with prejudice.

Additionally, I find that petitioner's filing of repetitious motions for relief from judgment demonstrates both that petitioner is attempting to circumvent the AEDPA's restrictions on successive habeas corpus applications and that petitioner has no respect for the finality of the rulings of the Court. As a result, I will direct the Clerk not to accept any further filings from petitioner in this case.

Accordingly,


IT IS HEREBY ORDERED that petitioner's motion for relief from judgment pursuant to Rule 60(b) [#181] is **DENIED** with prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

IT IS FURTHER ORDERED that the Clerk shall return to plaintiff any documents or motions bearing the above case caption, except for a notice of appeal or any appellate documents.

IT IS HEREBY CERTIFIED that an appeal from this Order would not be taken in good faith.

Dated this 8th day of March, 2010.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE